

**SUPREME COURT MINUTES  
WEDNESDAY, DECEMBER 15, 2004  
SAN FRANCISCO, CALIFORNIA**

**S127904**

G031636 Fourth Appellate District,  
Division Three

**BALBOA ISLAND VILLAGE v. LEMEN**

Petition for review granted

Further action in this matter is deferred pending the United States Supreme Court decision in *Tory v. Cochran* (Oct. 29, 2003, B159437 [nonpub. opn.]), certiorari granted September 28, 2004, No. 03-1488, \_\_\_ U.S. \_\_\_ [125 S.Ct. 26, 159 L.Ed.2d 856], or further order of this court.

Votes: George, C.J., Baxter, Werdegarr, Chin, and Moreno, JJ.

**S128429**

B171570 Second Appellate District,  
Division Five

**FLATLEY v. MAURO**

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

**S128576**

B165498 Second Appellate District,  
B168668 Division Two

**PRACHASAI SORADEJ v. RALPH'S GROCERY**

Petition for review granted

The issue to be briefed and argued is limited to the following: Does an employee bonus plan based on a profit figure that is reduced by a store's expenses, including the cost of workers compensation insurance and cash and inventory losses, violate (a) Business and Professions Code section 17200, (b) Labor Code sections 221, 400 through 410, or 3751, or (c) California Code of Regulations, title 8, section 11070?

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

**S128640**

F043125 Fifth Appellate District

**PEOPLE v. WELLS**

Petition for review granted

Baxter, J., was recused and did not participate.  
Votes: George, C.J., Kennard, Werdegarr, Chin, Brown, and Moreno, JJ.

**S128884**

F041563 Fifth Appellate District

## PEOPLE v. CORPUZ

Petition for review granted

Baxter, J., was recused and did not participate.  
Votes: George, C.J., Kennard, Werdegar, and  
Moreno, JJ.

**S129052**A104219 First Appellate District,  
Division Five

## PEOPLE v. KING

Petition for review granted

Votes: George, C.J., Kennard, Werdegar, Chin,  
and Moreno, JJ.

**S129110**B167907 Second Appellate District,  
Division Four

## SAURESSIG, ESTATE OF

Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S117287**

F040180 Fifth Appellate District

## DELGADO v. TRAX BAR &amp; GRILL

Supplemental briefing ordered

The court solicits from the parties in the above-captioned case supplemental briefing addressing the effect, if any, of the “negligent undertaking” doctrine upon the duty question presented in this case. (See *Williams v. State of California* (1983) 34 Cal.3d 18, 23 et seq.; *Weissich v. County of Marin* (1990) 224 Cal.App.3d 1069, 1077 et seq.; 6 Witkin, Summary of Cal. Law (9th ed. 1988), Torts, § 868, p. 234 et seq.; see also *Paz v. State of California* (2000) 22 Cal.4th 550, 558-562; *Artiglio v. Corning, Inc.* (1998) 18 Cal.4th 604, 613-618; *Schwartz v. Helms Bakery, Ltd.* (1967) 67 Cal.2d 232, 238-244; *Blankenship v. Peoria Park District* (Ill.App. 1994) 647 N.E.2d 287, 291-292; *Feld v. Merriam* (Pa. 1984) 485 A.2d 742, 746-747; *Wilson v. Texas Parks and Wildlife Dept.* (Tex. 1999) 8 S.W.3d 634, 635-636; *Nelson v. Salt Lake City* (Utah 1996) 919 P.2d 568, 573; Rest. (2d) of Torts, §§ 323 & 324A.)

In addition, the court solicits briefing

addressing the effect, if any, of *Taylor v. Centennial Bowl, Inc.* (1966) 65 Cal.2d 114, upon the duty question presented in this case.

Supplemental letter briefs shall be served and filed in the San Francisco office of the court by January 10, 2005. Answer briefs, if any, shall be served and filed in the San Francisco office of the court by January 24, 2005.

**S128582**

D042980 Fourth Appellate District,  
Division One

## PEOPLE v. GEORGE

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182 and *People v. Towne* S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S128784**

B169815 Second Appellate District,  
B174734 Division Four

## PEOPLE v. MALLORY

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review granted.  
Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182 and *People v. Towne* S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Defendant's petition for review denied.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S128921**

B167344 Second Appellate District,  
Division Four

## PEOPLE v. SIDIC

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue

in *People v. Towne*, S125677 and *People v. Black*, S126182 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S128931**

H026137 Sixth Appellate District

## PEOPLE v. BARNES

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Towne*, S125677, and *People v. Black*, S126182 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S128933**B169138 Second Appellate District,  
Division One

## PEOPLE v. ARMSTRONG

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review granted.  
Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182 and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Defendants' petitions for review denied.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S128970**

A102560 First Appellate District,  
Division Two

## PEOPLE v. GAITAN

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S129000**

A101799 First Appellate District,  
Division Two

## PEOPLE v. BUTLER

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S129050**

B165489 Second Appellate District,  
Division Four

## PEOPLE v. VAUGHN

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Towne*, S125677, and *People v. Black*, S126182 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S121459**CHEN (MARIO ESTEBAN) ON H.C.  
OSC issued, returnable in Superior Court

The Director of the Department of Corrections is ordered to show cause before the Los Angeles County Superior Court, when the matter is ordered on calendar, why petitioner is not entitled to relief on the ground that the trial counsel was ineffective as alleged in the petition for writ of habeas corpus filed on December 23, 2003. The return must be filed on or before January 14, 2005.

Votes: George, C.J., Kennard, Werdegar, and Moreno, JJ.

**S125046**E033920 Fourth Appellate District,  
Division TwoPOWERS v. RUG BARN  
Dismissed per rule 29.3(b), and remanded to CA 4/2

In light of the decision in *Reeves v. Hanlon*, S114811.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S126183**E033503 Fourth Appellate District,  
Division TwoPEOPLE v. POSLOF  
Transferred to CA 4/2 after hold

with directions to vacate its decision and to reconsider the cause in light of *People v. Barker* (2004) 34 Cal.4th 345, 361. (Cal. Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S127902**B171813 Second Appellate District,  
Division TwoENVIRONMENTAL CHARTER HIGH SCHOOL v.  
CENTINELA VALLEY UNION HIGH SCHOOL DIST  
Petition for review & depublication requests denied**S127972**

F046264 Fifth Appellate District

NORWOOD (ERICK) ON H.C.  
Petition for review denied

SAN FRANCISCO

DECEMBER 15, 2004

2013

**S127975**

A107187 First Appellate District,  
Division Three

MALIK (ABDUL AR-RAHEEM) ON H.C.  
Petition for review denied

**S127983**

A107237 First Appellate District,  
Division Two

WALKER (STEVEN ERIC) ON H.C.  
Petition for review denied

**S128004**

B177120 Second Appellate District,  
Division Two

JOHNSON (WILLIE) ON H.C.  
Petition for review denied

**S128011**

F046272 Fifth Appellate District

NORWOOD (ERICK) ON H.C.  
Petition for review denied

**S128086**

C045118 Third Appellate District

ACKERMAN v. EDWARDS  
Petition for review denied

Application to appear pro hav vice denied. (Cal.  
Rules of Court, rule 983 (b).)

**S128132**

F040953 Fifth Appellate District  
F042643

GANTONG-RUIZ v. DEPT OF CORRECTIONS  
Petition for review denied

**S128160**

B174511 Second Appellate District,  
B171950 Division Four

STEPHEN (JIMMIE) ON H.C.  
Petition for review denied

**S128165**

F045602 Fifth Appellate District

TRUNZO (RUSSELL) ON H.C.  
Petition for review denied

**S128194**

B168551 Second Appellate District,  
Division Four

HENRY v. CITY OF SANTA FE SPRINGS  
Petition for review denied

**S128237**  
F042675 Fifth Appellate District

LARSSON FAMILY TRUST v. GRABACH  
Petition for review denied

Baxter, J., was recused and did not participate.

**S128238**  
F046039 Fifth Appellate District

FERNANDEZ (JAVIER) ON H.C.  
Petition for review denied

**S128249**  
B177839 Second Appellate District,  
Division Seven

BUE (DOUGLAS) ON H.C.  
Petition for review denied

**S128268**  
A107707 First Appellate District,  
Division Four

HOLLEY (PATRICK R.) ON H.C.  
Petition for review denied

**S128275**  
E036604 Fourth Appellate District,  
Division Two

FIGUEREDO (GREGORY) ON H.C.  
Petition for review denied

**S128292**  
E036547 Fourth Appellate District,  
Division Two

MARTINEZ (ANTHONY) ON H.C.  
Petition for review denied

**S128300**  
G031043 Fourth Appellate District,  
Division Three

SCOTTSDALE INSURANCE v. CITY OF  
HUNTINGTON  
Petition for review denied

**S128312**  
B177264 Second Appellate District,  
Division Three

TARVER ( KEVIN R. ) ON H.C.  
Petition for review denied

**S128368**  
A107713 First Appellate District,  
Division Three

TO (WAYLAND) ON H.C.  
Petition for review denied

**S128370**  
A107833 First Appellate District,  
Division Five

ARMSTRONG (DALE) ON H.C.  
Petition for review denied



SAN FRANCISCO

DECEMBER 15, 2004

2015

**S128379**

B178038 Second Appellate District,  
Division One

BREATLOVE (LLOYD C.) ON H.C.  
Petition for review denied

**S128380**

B177301 Second Appellate District,  
Division Five

JODOSHU NORTH AMERICA BUDDHIST  
MISSIONS v. S.C (BETSUIN)  
Petition for review denied

**S128392**

H025401 Sixth Appellate District

DENEVI v. LGCC  
Petition for review denied

**S128419**

B165380 Second Appellate District,  
Division Three

MOTEVALLI v. LOS ANGELES UNIFIED SCHOOL  
Petition for review & depublication requests denied

**S128427**

B158054 Second Appellate District,  
Division Seven

RIGBY v. 20TH CENTURY INSURANCE  
Petition for review denied

Werdegar, J., and Moreno, J., are of the opinion  
the petition should be granted.

**S128431**

G032892 Fourth Appellate District,  
G032988 Division Three

GUZMAN v. OLAIRES  
Petition for review denied

**S128439**

E034382 Fourth Appellate District,  
E034731 Division Two

COMRAS v. CITY OF CANYON LAKE  
Petition for review denied

**S128448**

F044915 Fifth Appellate District

F. (ROBERT), IN RE  
Petition for review denied

**S128462**

A107861 First Appellate District,  
Division Four

SUMMIT MEDICAL CENTER v. S.C. (PIERCE)  
Petition for review denied

SAN FRANCISCO

DECEMBER 15, 2004

2016

**S128493**

B143105 Second Appellate District,  
Division Four

RUSSOMANNO v. FOX CHILDREN'S NETWORK  
Petition for review & publication request denied

George, C.J., and Brown, J., are recused and did  
not participate.

**S128513**

D045033 Fourth Appellate District,  
Division One

KOBE (STEPHEN) ON H.C.  
Petition for review denied

**S128573**

B170039 Second Appellate District,  
Division Two

IACO v. EDISON MISSION ENERGY  
Petition for review denied

**S128584**

A102026 First Appellate District,  
Division Two

SAN FRANCISCO, CITY & COUNTY v. FLYING  
DUTCHMAN PARK, INC.  
Petition for review denied

**S128604**

B172587 Second Appellate District,  
Division Eight

L. (ANDREW), IN RE  
Petitions for review & depublication request denied

**S128605**

A102308 First Appellate District,  
Division One

DATA COMMUNICATIONS PROFESSIONALS v.  
PACIFIC BELL NETWORK INTEGRATION  
Petition for review denied

**S128626**

A107177 First Appellate District,  
Division Four

R. (RYAN), IN RE  
Petition for review denied

**S128627**

E033691 Fourth Appellate District,  
Division Two

LAWRENCE WELKS DESERT OASIS VACATION  
OWNERS ASSOC. v. COUNTY OF RIVERSIDE  
Petition for review denied

**S128632**

E033356 Fourth Appellate District,  
Division Two

PEOPLE v. SMITH  
Petition for review denied

**S128643**

H025857 Sixth Appellate District

PEOPLE v. SLATER  
Petition for review denied

SAN FRANCISCO

DECEMBER 15, 2004

2017

**S128660**

B172652 Second Appellate District,  
Division Four

MENCY v. CA 2/4 (PEOPLE)

Petition for writ of mandate/prohibition denied

**S128662**

G033498 Fourth Appellate District,  
Division Three

J. (BABY BOY), RE

Petition for review denied

**S128663**

B163879 Second Appellate District,  
B165174 Division Two

LOS ANGELES DEPT. OF HEALTH SERVICES v.  
CIVIL SERVICE COMM, LOS ANGELES COUNTY

Petition for review denied

**S128666**

B166044 Second Appellate District,  
Division Three

PULFORD v. COUNTY OF LOS ANGELES

Petition for review & publication request denied

**S128667**

A105577 First Appellate District,  
Division Four

MELVILLE, MARRIAGE OF

Petition for review denied

**S128669**

D044074 Fourth Appellate District,  
Division One

B. (ALEC), IN RE

Petition for review denied

**S128679**

B178360 Second Appellate District,  
Division Seven

GLAZIER v. S.C. (PEOPLE)

Petition for review denied

**S128681**

B164700 Second Appellate District,  
Division Seven

PEOPLE v. CROSS

Petition for review denied

**S128684**

D043106 Fourth Appellate District,  
Division One

PEOPLE v. ROBINSON

Petition for review denied

**S128711**

F042769 Fifth Appellate District

PEOPLE v. EBANIZ

Petition for review denied

SAN FRANCISCO

DECEMBER 15, 2004

2018

**S128718**

B178261 Second Appellate District,  
Division Four

RETIREMENT HOUSING FOUNDATION v. W.C.A.B  
(THIM)

Petition for review denied

**S128722**

B169612 Second Appellate District,  
Division Two

TRACERTON ENTERPRISES v. N.R.T., INC.

Petition for review denied

**S128749**

C043228 Third Appellate District

PEOPLE v. SHAW

Petition for review denied

**S128753**

C040761 Third Appellate District

C & C CONSTRUCTION v. SACRAMENTO  
MUNICIPAL

Petition for review & depublication request denied

Werdegar, J., and Moreno, J., are of the opinion  
the petition should be granted.

**S128794**

C046300 Third Appellate District

C. (ISAIAH) IN RE

Petition for review denied

**S128795**

F043522 Fifth Appellate District

PEOPLE v. OROVITZ

Petition for review denied

**S128832**

B166522 Second Appellate District,  
Division Three

ESCOBAR v. UNIVERSITY OF SOUTHERN  
CALIFORNIA

Petition for review denied

**S128844**

C045160 Third Appellate District

R. (C.), IN RE

Petition for review denied

**S128846**

G031390 Fourth Appellate District,  
Division Three

PEOPLE v. WONG

Petition for review denied

**S128859**

B168514 Second Appellate District,  
Division Eight

PEOPLE v. LUAU

Petition for review denied

SAN FRANCISCO

DECEMBER 15, 2004

2019

**S128862**  
H026050 Sixth Appellate District

PEOPLE v. ABACHERLI  
Petition for review denied

**S128871**  
A104511 First Appellate District,  
Division One

H. MICHAEL) IN RE  
Petition for review & publication request denied

**S128877**  
D043470 Fourth Appellate District,  
Division One

PEOPLE v. PEREZ  
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

**S128878**  
E034622 Fourth Appellate District,  
Division Two

PEOPLE v. RUDULPH  
Petition for review denied

**S128879**  
B169298 Second Appellate District,  
Division Three

PEOPLE v. CASTILLO  
Petition for review denied

**S128883**  
H027000 Sixth Appellate District

PEOPLE v. ANGELOPOULOS  
Petition for review denied

**S128885**  
C044266 Third Appellate District

PEOPLE v. SMITH  
Petition for review denied

**S128886**  
B168910 Second Appellate District,  
Division Three

PEOPLE v. MARISCAL  
Petition for review denied

**S128889**  
A102206 First Appellate District,  
Division Two

PEOPLE v. LAYTON  
Petition for review denied

**S128892**

B166408 Second Appellate District,  
Division Seven

## MORIN v. ROSENTHAL

Petition for review denied

**S128893**

H025825 Sixth Appellate District

## PEOPLE v. KIDANE

Petition for review denied

**S128895**

A103965 First Appellate District,  
Division Five

## CLOYD, CONSERVATORSHIP OF

Petition for review denied

**S128897**

E034134 Fourth Appellate District,  
Division Two

## PEOPLE v. S.C. (RIKER)

Petition for review denied

**S128901**

G032404 Fourth Appellate District,  
Division Three

## PEOPLE v. LOVEJOY

Petition for review denied

**S128903**

B166308 Second Appellate District,  
Division One

## PEOPLE v. WILLIAMS

Petition for review denied

**S128906**

C044563 Third Appellate District

## PEOPLE v. BEJARANO

Petition for review denied

**S128907**

C045102 Third Appellate District

## PEOPLE v. PRICE

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S128910**

B168499 Second Appellate District,  
B171285 Division Four

## PEOPLE v. WASHINGTON

Petition for review denied

Petition for review denied without prejudice to

any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

**S128912**

H026358 Sixth Appellate District

PEOPLE v. GHOLSTON

Petition for review denied

**S128913**A101281 First Appellate District,  
Division Two

PEOPLE v. GONZALEZ

Petition for review denied

**S128914**B177239 Second Appellate District,  
Division OneGONZALES v. WCAB (LOS ANGELES UNIFIED  
SCHOOL DISTRICT)

Petition for review denied

**S128915**D042457 Fourth Appellate District,  
Division One

PEOPLE v. NORMAN

Petition for review denied

**S128916**B178114 Second Appellate District,  
Division OneVIRTUAL MEDIA GROUP v. S.C. (REGENCY  
OUTDOOR)

Petition for review denied

**S128917**B166489 Second Appellate District,  
Division Four

PEOPLE v. TRUJILLO

Petition for review denied

**S128918**

H026350 Sixth Appellate District

PEOPLE v. VERA

Petition for review denied

**S128919**B168417 Second Appellate District,  
Division SixHOPE RANCH PARK HOMES v. MARIPOSA  
LAND DEVELOPMENT CO.

Petition for review denied

**S128920**

H027627 Sixth Appellate District

KIDANE (BENYAM BERHANE) ON H.C.

Petition for review denied

**S128923**

B168289 Second Appellate District,  
Division Five

## PEOPLE v. MARTINEZ

Petition for review denied

**S128924**

F043195 Fifth Appellate District

## PEOPLE v. RUSSELL

Petition for review denied

**S128925**

B174666 Second Appellate District,  
Division Four

## PEOPLE v. REED

Petition for review denied

**S128928**

B178404 Second Appellate District,  
Division Eight

## COALITION TO SAVE THE MARINA v. S.C.

(COUNTY OF LOS ANGELES)

Petition for review denied

**S128929**

B169846 Second Appellate District,  
Division Five

## PEOPLE v. BELL

Petition for review denied

**S128938**

A105163 First Appellate District,  
Division Four

## PEOPLE v. WYNN

Petition for review denied

**S128944**

E034016 Fourth Appellate District,  
Division Two

## MOQEET v. LOMA LINDA UNIVERSITY MEDICAL

Petition for review & publication request denied

**S128945**

C044461 Third Appellate District

## PEOPLE v. LANGFORD

Petition for review denied

**S128946**

E034072 Fourth Appellate District,  
Division Two

## PEOPLE v. JOHNSON

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.



SAN FRANCISCO

DECEMBER 15, 2004

2023

**S128950**

E034591 Fourth Appellate District,  
Division Two

BEAR CREEK MASTER ASSOC v. EDWARDS  
Petition for review denied

**S128958**

H026168 Sixth Appellate District

PEOPLE v. PENNYWELL  
Petition for review denied

**S128968**

F044152 Fifth Appellate District

PEOPLE v. WHEELER  
Petition for review denied

**S128972**

A103538 First Appellate District,  
Division Two

PEOPLE v. SHACKELFORD  
Petition for review denied

**S128974**

H026591 Sixth Appellate District

PEOPLE v. BAILEY  
Petition for review denied

**S128977**

B178375 Second Appellate District,  
Division Eight

AGUILAR v. S.C. (PEOPLE)  
Petition for review denied

**S128979**

E034366 Fourth Appellate District,  
Division Two

PEOPLE v. KILLEEN  
Petition for review denied

**S128986**

A104578 First Appellate District,  
Division Four

PEOPLE v. SHAPIRO  
Petition for review denied

**S128988**

B158420 Second Appellate District,  
Division One

CARANFIL v. HOFFORT  
Petition for review denied

**S128992**

B168084 Second Appellate District,  
Division Four

PEOPLE v. LEYVA  
Petition for review denied

SAN FRANCISCO

DECEMBER 15, 2004

2024

**S128994**

B167693 Second Appellate District,  
Division Three

PEOPLE v. LUGO

Petition for review denied

**S129003**

F044589 Fifth Appellate District

PEOPLE v. HEREDIA

Petition for review denied

**S129007**

E035166 Fourth Appellate District,  
Division Two

PEOPLE v. BISHOP

Petition for review denied

**S129009**

B167672 Second Appellate District,  
Division Four

PEOPLE v. MEDRANO

Petition for review denied

**S129010**

H025751 Sixth Appellate District

PEOPLE v. COSTELLA

Petition for review denied

**S129011**

B167352 Second Appellate District,  
Division One

PEOPLE v. VASQUEZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

**S129012**

A105162 First Appellate District,  
Division Three

PEOPLE v. GREEN

Petition for review denied

**S129014**

F044631 Fifth Appellate District

PEOPLE v. ESTRADA

Petition for review denied

**S129024**

E034913 Fourth Appellate District,  
Division Two

PEOPLE v. SMITH

Petition for review denied

**S129025**

E035622 Fourth Appellate District,  
Division Two

W. (CHRISTOPHER), IN RE

Petition for review denied; CA opinion decertified

Petition for review DENIED.

On the court's own motion, the Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed October 5, 2004, which appears at 122 Cal.App.4th 1331. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

Kennard, J., is of the opinion the petition should be granted.

**S129028**

G033033 Fourth Appellate District,  
Division Three

AGAH v. ALIAKBARZADEH

Petition for review denied

**S129030**

B168817 Second Appellate District,  
Division Two

PEOPLE v. WILSON

Petition for review denied

**S129031**

B165817 Second Appellate District,  
Division Four

KHEILTASH v. KHEILTASH

Petition for review denied

**S129032**

B177783 Second Appellate District,  
Division Three

SHAW v. WCAB (20TH CENTURY FOX FILM)

Petition for review denied

**S129033**

A103666 First Appellate District,  
Division Four

PEOPLE v. JATOI

Petition for review denied

**S129035**

E034854 Fourth Appellate District,  
Division Two

SILVER SPUR RESERVE v. CITY OF  
PALM DESERT

Petition for review denied

**S129036**

A104548 First Appellate District,  
Division One

WEYANDT v. DILLETT

Petition for review denied

**S129040**

C045219 Third Appellate District

PEOPLE v. GRANT

Petition for review denied

**S129043**A108076 First Appellate District,  
Division Four

MULCAHY v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S129051**

C044043 Third Appellate District

PEOPLE v. ANDERSON

Petition for review denied

**S129062**D042879 Fourth Appellate District,  
Division One

PEOPLE v. GONZALES

Petition for review denied

**S129067**A105158 First Appellate District,  
Division Three

A. (JUAN), IN RE

Petition for review denied

**S129068**B170631 Second Appellate District,  
Division Five

PEOPLE v. PORCHIA

Petition for review denied

**S129077**B170341 Second Appellate District,  
Division Two

PEOPLE v. JONES

Petition for review denied

**S129080**

H026384 Sixth Appellate District

PEOPLE v. ESMAY

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

**S129082**B161176 Second Appellate District,  
Division Two

PEOPLE v. WEATHINGTON

Petition for review denied

**S129088**

B170757 Second Appellate District,  
Division One

## PEOPLE v. SYLVE

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

**S129095**

A105460 First Appellate District,  
Division Three

## HERMAN v. ZARCO

Petition for review & publication request denied

**S129097**

D043708 Fourth Appellate District,  
Division One

## D. (NICHOLAS), IN RE

Petition for review denied

**S129100**

B171064 Second Appellate District,  
Division Two

## PEOPLE v. MORRISON

Petition for review denied

**S129101**

B168809 Second Appellate District,  
Division One

## PEOPLE v. SMITH

Petition for review denied

**S129102**

C045235 Third Appellate District

## V. (D.), IN RE

Petition for review denied

**S129106**

G033894 Fourth Appellate District,  
Division Three

## DEMOSS v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S129111**

B170888 Second Appellate District,  
Division One

## PEOPLE v. SAFIEH

Petition for review denied

**S129113**

B169360 Second Appellate District,  
Division One

## PEOPLE v. MAGDALENO

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

**S129114**

A099741 First Appellate District,  
Division Three

## PEOPLE v. O'HARA

Petition for review denied

**S129117**

B166121 Second Appellate District,  
Division Two

## PEOPLE v. PEEPLES

Petition for review denied

**S129119**

D043309 Fourth Appellate District,  
Division One

## PEOPLE v. VARGAS

Petition for review denied

**S129127**

D041619 Fourth Appellate District,  
Division One

## PEOPLE v. BERNAL

Petition for review denied

**S129128**

B169932 Second Appellate District,  
Division Four

## PEOPLE v. SAMIEI

Petition for review denied

**S129132**

F044703 Fifth Appellate District

## PEOPLE v. ROBERTS

Petition for review denied

**S129134**

E018595 Fourth Appellate District,  
Division Two

## PEOPLE v. EDU

Petition for review denied

**S129135**

E033850 Fourth Appellate District,  
Division Two

## PEOPLE v. HARVEY

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S129147**

C042375 Third Appellate District

## PEOPLE v. RIVERA

Petition for review denied

**S129148**

E034239 Fourth Appellate District,  
Division Two

## PEOPLE v. TAYLOR

Petition for review denied

**S129152**

B169493 Second Appellate District,  
Division Eight

## PEOPLE v. MORTIS

Petition for review denied

**S129186**

E034316 Fourth Appellate District,  
Division Two

## PEOPLE v. HOOKS

Petition for review denied

**S129189**

A104931 First Appellate District,  
Division Five

## PEOPLE v. ARIAS

Petition for review denied

Petition for review denied without prejudice to  
any relief to which defendant might be entitled  
after this court determines in *People v. Black*,  
S126182, and *People v. Towne*, S125677, the  
effect of *Blakely v. Washington* (2004) \_\_  
U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129190**

B174554 Second Appellate District,  
Division Five

## PEOPLE v. GREEN

Petition for review denied

**S129191**

F043087 Fifth Appellate District

## PEOPLE v. CUEVAS

Petition for review denied

**S129194**

C043484 Third Appellate District

## PEOPLE v. WILLIAMS

Petition for review denied

**S129195**

A102584 First Appellate District,  
Division One

B. (JENI), IN RE

Petition for review denied

**S129196**

B165093 Second Appellate District,  
Division Six

PEOPLE v. BALDERRAMA

Petition for review denied

**S129206**

B170082 Second Appellate District,  
Division Three

IMBACH v. 21ST CENTURY INSURANCE

Petition for review denied

**S129216**

A106990 First Appellate District,  
Division Four

ROSSINI v. S.C. (NICHOLAS)

Petition for review denied

Request for judicial notice denied.

**S129289**

B178595 Second Appellate District,  
Division Three

WELLS v. S.C. (SCACE)

Petition for review denied

**S129600**

B179159 Second Appellate District,  
Division Seven

ALI (KHALIFA ABDUL-MALIK) ON H.C.

Petition for review and application for stay denied

**S129601**

B179326 Second Appellate District,  
Division Five

BLUE (SEXUAL SIN DE UN ABDUL) ON H.C.

Petition for review and application for stay denied

**S129839**

G034510 Fourth Appellate District,  
Division Three

VALLDARES v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S118779**

GARCIA (FRANK LASARO) ON H.C.

Petition for writ of habeas corpus denied

**S120861**

JACKSON (KENJI) ON H.C.

Petition for writ of habeas corpus denied



**S121278**

CAMARENA (JOSE) ON H.C.  
Petition for writ of habeas corpus denied

**S121288**

ALONZO (PATRICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S121308**

ACEVEDO (YSIDRO G.) ON H.C.  
Petition for writ of habeas corpus denied

**S121514**

MCCOWEN (MARCIL) ON H.C.  
Petition for writ of habeas corpus denied

**S121539**

SLOVIK (MICHAEL DALE) ON H.C.  
Petition for writ of habeas corpus denied

**S121762**

MORRIS (EARL) ON H.C.  
Petition for writ of habeas corpus denied

**S121767**

TATE (REGGIE L.) ON H.C.  
Petition for writ of habeas corpus denied

**S121770**

JENKINS (ANTHONY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S122018**

THORNTON (ROBERT) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

**S122038**

NGUON (HUNG D.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S122075**

WILLIAMS (RALPH) ON H.C.  
Petition for writ of habeas corpus denied

**S122107**

SYLVESTER (NATHANIEL) ON H.C.  
Petition for writ of habeas corpus denied

**S122115**

STUTESMAN (DAMON M.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S122122**

PINEIDA (ERNEST) ON H.C.  
Petition for writ of habeas corpus denied

**S122139**

WALTON (SYLVESTER) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S122140**

CORONA (OSCAR) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus*  
(1965) 62 Cal.2d 218.)

**S122145**

LYNCH (CHRIS) ON H.C.  
Petition for writ of habeas corpus denied

**S122166**

CHATMAN (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied

**S122363**

WEBB (RONDELL) ON H.C.  
Petition for writ of habeas corpus denied

**S122393**

BALLESTEROS (EDDIE R.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S122445**

CRECY (ANTOINE M.) ON H.C.  
Petition for writ of habeas corpus denied

**S122492**

VARELA (CESAR) ON H.C.  
Petition for writ of habeas corpus denied

**S122494**

GALLOWAY (EDDIE LEE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

**S122551**

VENABLE (ELVIS) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S122570**

COLEMAN (ANTHONY J.) ON H.C.  
Petition for writ of habeas corpus denied

**S122571**

MARSHALL (VERNON L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S122577**

HOWARD (RICKY) ON H.C.  
Petition for writ of habeas corpus denied

**S122605**

ELAM (RONALD) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

**S122608**

FORMA (ELTON A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S122617**

PARKS (WAYNE A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S122618**

SAYLOR (JAMES L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

**S122620**

HARRIS (CARL E.) ON H.C.  
Petition for writ of habeas corpus denied

**S122622**

TAYLOR (STEVEN MARK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S122627**

BUGGS (JOSEPH A.) ON H.C.  
Petition for writ of habeas corpus denied

**S122629**POPE (DAVID) ON H.C.  
Petition for writ of habeas corpus denied**S122632**LOVEDAY (PATRICK S.) ON H.C.  
Petition for writ of habeas corpus denied**S122674**STERLING (JAKUMA Y.) ON H.C.  
Petition for writ of habeas corpus denied**S122677**COOK (NORMAN) ON H.C.  
Petition for writ of habeas corpus denied**S122694**JENKINS (CHRISTOPHER L.) ON H.C.  
Petition for writ of habeas corpus denied*(See In re Dexter (1979) 25 Cal.3d 921.)***S122703**INGRAM (JAMES) ON H.C.  
Petition for writ of habeas corpus denied*(See In re Clark (1993) 5 Cal.4th 750; In re Robbins (1998) 18 Cal.4th 770, 780.)***S122709**TURNER (EDWARD L.) ON H.C.  
Petition for writ of habeas corpus denied**S122710**CAMPOS (LEOBARDO C.) ON H.C.  
Petition for writ of habeas corpus denied**S122717**CAMERO (FLAVIO) ON H.C.  
Petition for writ of habeas corpus denied**S122726**AREAS (ENRIQUE) ON H.C.  
Petition for writ of habeas corpus denied**S122731**ENDREKUS (ALGIMANTAS) ON H.C.  
Petition for writ of habeas corpus denied

**S122734**

STONE (MICHAEL RAY) ON H.C.  
Petition for writ of habeas corpus denied

**S122740**

AGUILAR (CONSTANTINO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Waltreus* (1965) 62 Cal.2d 218.)

**S122743**

CAMP (LLOYD LAMAR) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S122753**

DIPARRA (JOSE L.) ON H.C.  
Petition for writ of habeas corpus denied

**S122763**

SEELYE (JODY DEAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S122769**

WILLIAMS (TASHION) ON H.C.  
Petition for writ of habeas corpus denied

**S122776**

NEWMAN (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied

**S122780**

BARRON (JACK KENNETH) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

**S122788**

HACKWORTH (ROBERT J.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S122791**

PEREZ (ARTHUR R.) ON H.C.  
Petition for writ of habeas corpus denied

**S122794**

MOORE (THOMAS E.) ON H.C.  
Petition for writ of habeas corpus denied

**S122796**

BARELA (ANTHONY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Dixon*  
(1953) 41 Cal.2d 756; *In re Miller* (1941) 17  
Cal.2d 734.)

**S122803**

SMITH (ORLANDO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Swain* (1949) 34 Cal.2d 300, 304; *People*  
*v. Duvall* (1995) 9 Cal.4th 464, 474; *In re*  
*Waltreus* (1965) 62 Cal.2d 218.)

**S122807**

PARKS (TYRONE A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *Miller v. Hamm* (1970) 9 Cal.App.3d 860.)

**S122818**

DIXIE (JAMES LEWIS) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*  
*Robbins* (1998) 18 Cal.4th 770, 780.)

**S122823**

GALVIN(BENJAMIN) ON H.C.  
Petition for writ of habeas corpus denied

**S122826**

FISHER (AL GENE) ON H.C.  
Petition for writ of habeas corpus denied

**S122844**

DAVIS (BAYARD D.) ON H.C.  
Petition for writ of habeas corpus denied

**S122867**

THOMAS (DIRK JOHN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S122869**

SMITH (TERRY L.) ON H.C.  
Petition for writ of habeas corpus denied

**S122870**

PENN (CRYSTAL) ON H.C.  
Petition for writ of habeas corpus denied

**S122874**

STREET (JAMES) ON H.C.  
Petition for writ of habeas corpus denied

**S122880**

EWELL (CARL F.) ON H.C.  
Petition for writ of habeas corpus denied

**S122895**

LOMAKO (JUSTIN K.) ON H.C.  
Petition for writ of habeas corpus denied

**S122897**

KLEMASKE (MITCHELL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

**S122898**

PANAMENO (JUAN F.) ON H.C.  
Petition for writ of habeas corpus denied

**S122908**

REDEAUX (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied



**S122912**

TURNER (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750.)

**S122934**

MEDINA (JOSE FRANCISCO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

**S122955**

MORGAN (BERNAL W.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S122987**

MCCAFFERY (PAMELA) ON H.C.  
Petition for writ of habeas corpus denied

**S125527**

NEWMAN (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied

**S125765**

WALKER (STEVEN E.) ON H.C.  
Petition for writ of habeas corpus denied

**S126466**

LOMAKO (JUSTIN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S127318**

MOSTELLER (ADAM) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Swain*  
(1949) 34 Cal.2d 300, 304.)

**S127319**

DENNIS (SAMUEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S127328**

HERNANDEZ (SERGIO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S127832**

KIRKPATRICK (THOMAS L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**S128357**

LI (HONG BAO) ON H.C.  
Petition for writ of habeas corpus denied

**S128971**

CHAPMAN (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

**S129038**

ALVARADO (JOHN A.) ON H.C.  
Petition for writ of habeas corpus denied

**S129075**

MITCHELL (GARY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S129108**

HALSTEAD (WILLIAM) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S129146**MCKENZIE (MARK A.) ON H.C.  
Petition for writ of habeas corpus denied**S129193**MORGAN (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied**S129249**DURHAM (ANTHONY) ON H.C.  
Petition for writ of habeas corpus denied**S129422**COCKRELL (FRANK B.) ON H.C.  
Petition for writ of habeas corpus denied**S129562**LEE (JUNG SUK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Azurin* (2001) 87 Cal.App.4th 20; *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

**S129585**ROLLINS (JACK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S129588**GARRIGUES (CHARLES D.) ON H.C.  
Petition for writ of habeas corpus denied**S128180**C043358 Third Appellate District  
C043360CAPERS v. NUNN  
Publication request denied (case closed)**S128291**B172757 Second Appellate District,  
Division FiveF. (ANGEL), IN RE  
Publication request denied (case closed)**S128478**D044373 Fourth Appellate District,  
Division OneH. (VERONICA) v. S.C. (SAN DIEGO COUNTY  
HEALTH AND HUMAN SVCS AGENCY)  
Publication request denied (case closed)

**S128537**

G032443 Fourth Appellate District,  
Division Three

COLEMAN v. ZENODATA CORP.

Publication request denied (case closed)

**S128540**

G032733 Fourth Appellate District,  
Division Three

PARK ACCESS & RESTORATION COMMITTEE v.  
CITY OF LAGUNA NIGUEL

Publication request denied (case closed)

**S128836**

A100937 First Appellate District,  
Division Three

HARRIS v. HELLER, EHRMAN, WHITE &  
McAULIFFE LLP.

Publication request denied (case closed)

**S128851**

H025175 Sixth Appellate District

SMITH v. MONTEREY HIGH SCHOOL

Publication request denied (case closed)

**S128948**

B170707 Second Appellate District,  
Division Six

MEISSNER FILTRATION PROD v. HARRINGTON

Publication request denied (case closed)

**S129203**

D042679 Fourth Appellate District,  
Division One

PARKERSON AND CARPENTER, MARRIAGE OF

Publication request denied (case closed)

**S068863**

PEOPLE v. SCOTT (DAVID LYNN)

Extension of time granted

to February 14, 2005 to file appellant's opening brief. After that date, only four further extensions totaling about 230 additional days will be granted. Extension is granted based upon counsel Glen Niemy's based upon counsel Glen Niemy's representation that he anticipates filing that brief by 10/1/2005.

**S070327**

PEOPLE v. WILSON (ANDRE)

Extension of time granted

to February 15, 2005 to file appellant's opening brief. After that date, only two further extensions totaling about 120 additional days

will be granted. Extension is granted based upon Senior Deputy State Public Defender Evan Young's representation that she anticipates filing that brief by 5/2005.

**S075616**

PEOPLE v. GONZALES &amp; SOLIZ

Extension of time granted

to February 14, 2005 to file appellant GONZALES'S opening brief. After that date, only one further extension totaling about 75 additional days will be granted. Extension is granted based upon counsel Joseph P. Walsh's representation that he anticipates filing that brief by 4/26/2005.

**S117112**

MAJORS (JAMES D.) ON H.C.

Extension of time granted

to January 18, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon Deputy Attorney General Daniel B. Bernstein's representation that he anticipates filing that brief by 3/18/2005.

**S124195**

C042944 Third Appellate District

C042947

C042948

CALIFORNIA STATEWIDE COMMUNITIES DEV v.  
ALL PERSONS INTERESTED VALIDITY, ETC.

Extension of time granted

to January 17, 2005 to file Attorney General's answer brief on the merits.

**S124851**

TURNER (RICHARD DEAN) ON H.C.

Extension of time granted

to January 18, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only four further extensions totaling about 120 additional days will be granted. Extension is granted based upon Deputy

Attorney General Douglas C.S. Lee's representation that he anticipates filing that document by 5/18/2005.

**S126945**

B167799 Second Appellate District,  
Division Three

H. (KRISTINE RENEE) v. R. (LISA ANN)  
Extension of time granted

to January 19, 2005 to file respondent's answer brief on the merits.

**S127649**

B169465 Second Appellate District,  
Division One

ORDLOCK v. FRANCHISE TAX BOARD  
Extension of time granted

to March 4, 2005 for respondent Franchise Tax Board to file the opening brief on the merits.

**S034800**

PEOPLE v. DEHOYOS (RICHARD L.)  
Withdrawal of counsel allowed by order

Good cause appearing, the separate applications of appointed lead and associate counsel for permission to withdraw as attorneys of record for appellant Richard Lucio DeHoyos, filed November 15, 2004, and November 24, 2004, respectively, are granted.

The order appointing Michael B. Dashjian and Charles R. Khoury, Jr., as lead and associate appellate counsel of record, respectively, for appellant Richard Lucio DeHoyos, filed August 11, 1998, is hereby vacated.

The State Public Defender is hereby appointed as counsel of record to represent appellant Richard Lucio DeHoyos for the direct appeal in the above automatic appeal now pending in this court.

The order appointing Michael G. Millman, as Executive Director of the California Appellate Project in San Francisco, to serve as interim habeas corpus/executive clemency counsel of record for appellant Richard Lucio DeHoyos, filed August 25, 2004, is hereby vacated.

The Habeas Corpus Resource Center is hereby appointed to represent appellant Richard

Lucio DeHoyos for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

Dashjian and Khoury are each directed to deliver to the State Public Defender, within 30 days from the filing of this order, the entire case file relating to appellant Richard Lucio DeHoyos's capital appeal currently in their possession, including, but not limited to, all appellate and habeas corpus investigation work product, trial files, trial transcripts, and investigation reports, copies of all documents filed in this court, and all related materials that they have obtained from DeHoyos or his trial counsel, habeas corpus counsel, legal assistants, paralegals, experts and investigators, or from any other source.

**S004260**

PEOPLE v. BELL (RONALD LEE)  
Order filed

**S035348**

PEOPLE v. SMITH (ROBERT LEE)  
Request denied

The application of Scott F. Kauffman, filed November 18, 2004, to withdraw as appointed counsel from the state habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court, is denied without prejudice. (See Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 2 ["Withdrawal of counsel"].)

**S049596**

PEOPLE v. BRYANT, SMITH & WHEELER  
Order filed

Appellant DONALD FRANKLIN SMITH'S application to file oversize opening brief is granted.

**S110301**

A092876 First Appellate District,  
A093705 Division One

DONALDSON v. NATIONAL MARINE, INC.  
Order filed

Appellant's request to continue oral argument,  
filed December 14, 2004, is denied.

**S127921**

E030908 Fourth Appellate District,  
Division Two

CARTER v. CALIF DEPT OF VETERANS AFFAIRS  
Order filed – designated to be the lead case

**S127961**

B159310 Second Appellate District,  
Division Five

ADAMS v. LOS ANGELES UNIFIED SCHOOL DIST.  
Order filed: case held pending decision in another case

On December 1, 2004, the petitions for review were granted in *Carter v. California Department of Veterans Affairs* (S127921) and *Adams v. Los Angeles Unified School District* (S127961). At this time, the court designates *Carter* the lead case, and defers further action in *Adams* pending consideration and disposition of related issues in *Carter* (see Cal. Rules of Court, rule 28.2 (d)(2)), or pending further order of the court. Submission of additional briefing in *Adams* is also deferred pending order of this court. (Cal. Rules of Court, rule 29.1.)

**S123562**

BILSON, ACCUSATION OF  
Petition denied (accusation)

**S125438**

TURNER, ACCUSATION OF  
Petition denied (accusation)

**S125733**

BAYRAMOGLU, ACCUSATION OF  
Petition denied (accusation)

**S125778**

YOUNG, ACCUSATION OF  
Petition denied (accusation)

**S126024**

LUK, ACCUSATION OF  
Petition denied (accusation)



<b>S126025</b>	PRICE, ACCUSATION OF Petition denied	(accusation)
<b>S126060</b>	TIATIA, ACCUSATION OF Petition denied	(accusation)
<b>S126504</b>	BLACKWELL, ACCUSATION OF Petition denied	(accusation)
<b>S126865</b>	WILSON, ACCUSATION OF Petition denied	(accusation)
<b>S126917</b>	BARDING, ACCUSATION OF Petition denied	(accusation)
<b>S126964</b>	PRESCOTT, ACCUSATION OF Petition denied	(accusation)
<b>S127003</b>	PALAZZO, ACCUSATION OF Petition denied	(accusation)
<b>S127045</b>	TILLMAN-FIELDS, ACCUSATION OF Petition denied	(accusation)
<b>S127070</b>	WILLIAMS, ACCUSATION OF Petition denied	(accusation)
<b>S127186</b>	BENAVIDES, ACCUSATION OF Petition denied	(accusation)
<b>S127193</b>	NORMAN, ACCUSATION OF Petition denied	(accusation)
<b>S127194</b>	STOLZ, ACCUSATION OF Petition denied	(accusation)

SAN FRANCISCO

DECEMBER 15, 2004

2048

**S127485**

SMITH, ACCUSATION OF  
Petition denied (accusation)

**S128598**

SPENCER, ACCUSATION OF  
Petition denied (accusation)

**S128606**

KOSLOW, ACCUSATION OF  
Petition denied (accusation)

**S128613**

BROWN-FERGUSON, ACCUSATION OF  
Petition denied (accusation)

**S128649**

CASTANEDA, ACCUSATION OF  
Petition denied (accusation)

